

REMARKS

Applicants have considered the outstanding official action. It is respectfully submitted that the claims are directed to patentable subject matter as set forth below.

Claims 1-2, 4-12, 15, 17-24, 26, 44, and 47-51 are rejected under 35 U.S.C. §112, second paragraph, as indefinite based the use in independent claims 1 and 48-51 of the phrase "reciprocal position". Applicants respectfully submit that the Examiner has misconstrued the word "reciprocal". The word "reciprocal" is not defined as reciprocating or requiring a motion. As set forth at page 1610 of the Random House Dictionary of the English Language (copy attached) "reciprocal" is defined as corresponding, matching, complementary, equivalent, expressing mutual relationship or action, or counterpart. In the claims "reciprocal" refers to the position of the upper flexible member with respect to the longitudinal lower supporting member, e.g., a mutual, corresponding or complementary position. However, without intending to further limit the claims but simply to clarify the wording of the claims in order to advance prosecution, applicants have amended "reciprocal" to read "essentially aligned" based on language

in the specification, e.g., page 11, lines 11-12.

Withdrawal of the §112 rejection is respectfully requested.

The outstanding rejections based on art are as follows:

- (1) Claims 49 and 50 under 35 U.S.C. §102(b) over U.S. Patent No. 5,458,033 (Wierschke);
- (2) Claim 51 under 35 U.S.C. §102(b) over Wierschke;
- (3) Claims 1-2, 4-11, 15, 17-19, 24, 26 and 47-48 under 35 U.S.C. §103(a) over Wierschke in view of Great Britain Application No. 2 137 918 (Perini); and
- (4) Claims 12, 20-23 and 44 under 35 U.S.C. §103(a) over Wierschke in view of Perini and further in view of U.S. Patent No. 4,033,862 (Spencer).

Of the rejected claims above, claims 1, 48, 49, 50 and 51 are independent claims.

As to the rejections under 35 U.S.C. §102 and §103 based on Wierschke as the sole reference or primary reference of a combination, independent claims 1 and 48-51 each claim the positional relationship of the upper movable flexible member and longitudinal lower supporting element which is now clarified as being stationary. Further, independent claims 1 and 48-51 provide that the series of products are in contact with and supported (1) by the

contact members of the flexible member and (2) by the stationary longitudinal lower supporting member. This mechanical support is distinct from and more advantageous than the retention structure disclosed in Wierschke. On page 7 of the official action, the Examiner acknowledges that Wierschke does not disclose that rails 15a and 15b are in contact with and support the products during elimination of the trimmings. Rather, the rails 15a and 15b of Wierschke are stated to pivot open to discard the trimmings. Accordingly, Wierschke does not teach a stationary longitudinal lower supporting element as claimed, but rather teaches a movable temporary support. Contrary to the Examiner's application, the exit conveyor of Wierschke can not act as the claimed longitudinal supporting member since the exit conveyor is also in motion (not stationary) and does not support the products during elimination of the trimmings. Wierschke does not teach that the products advance in contact with and supported during elimination of the trimmings (1) by contact members of the flexible member and (2) by a stationary longitudinal lower supporting element, as claimed.

Further, the vacuum box 44 (not 40 as stated by the Examiner) is associated with the pads 28 on the belts which the Examiner relies on for providing the claimed

flexible member carrying a series of contact members. As shown in Figures 8A-8L of Wierschke, Wierschke does not have a stationary longitudinal lower supporting element to support a series of products during elimination of trimmings as claimed. The trims AD and AU are discarded before reaching the exit conveyor and vacuum box 44 of Figure 2. Further, the rails 15a and 15b pivot out of the roll-carrying position in the gap 16 so that the trims fall while the rolls are suspended above the gap 16 by the vacuum pads 27 and 28. Therefore, the trims are eliminated without support and in the absence of any lower supporting member.

Applicants' claimed device also requires at least one pusher to insert the series of products with respective trimmings between the movable upper flexible member and the stationary longitudinal lower supporting element. This is not disclosed by Wierschke. Rather, Wierschke describes a pusher mechanism 17 that extends up through the space between rails 15 to advance the products from underneath the belts 24, 25 and 26 which have suction pads 28 to suspend the rolls above the gap 16. Each roll is retained by suction to the moving pads 28 on the belts 24, 25, 26 and carried downstream.

Accordingly, Wierschke does not teach each and every element of claims 49, 50 and 51 and, therefore, does

not anticipate claims 49, 50 and 51 within the meaning of 35 U.S.C. §102. Further, in view of the lack of teaching of Wierschke, no suggestion is provided in Wierschke to modify Wierschke to provide these missing features as to claims 1 and 48 which are rejected under §103. The secondary reference of Perini, which is combined with Wierschke to reject claims 1-2, 4-11, 15, 17-19, 24, 26 and 47-48 under 35 U.S.C. §103(a), does not make up for the deficiencies of Wierschke as set forth above.

On pages 7-8 of the official action, the Examiner acknowledges that Wierschke does not disclose that the rails 15a and 15b are in contact with and support the products during elimination of the trimmings, as claimed. To make up for this deficiency, the Examiner states that the movable rails 15a and 15b of Wierschke could be replaced by the conveyor belts 5 of Perini, thus avoiding the need for a movable rail. Initially applicants submit that this combination is simply based on hindsight since there is no suggestion in either Wierschke or Perini to provide such a substitution. Wierschke only teaches discarding trims by removing any lower support from the trims. Thus, it would not be suggested to replace the pivotable rails 15a and 15b of Wierschke by non-removable conveyor belts 5 as taught by Perini.

Perini teaches a different method of trim removal. The lower conveyor belts 5 and the upper chain 38 move constantly at the same speed and are synchronized with the rolls R arriving from a cutting machine. Each roll R is supported on one side by a moving conveyor belt 5 and on the other side by a respective support 40 carried by a chain 38. The trims are not held by a respective support 40 and, thus, fall away when no longer supported as shown in Figure 4. The device of Perini requires a precise synchronization between the motion of all the members involved, i.e., moving conveyor belt 5, moving chain 38, and the pusher feeding the rolls. The belt 5 and the chain 38 must be as long as the log being processed to provide the required synchronization. It is not possible to change the length of the log. This would require entire adaptation of the machine. Applicants claimed device does not have such limitation due to the differences in structure.

Wierschke is based on a different concept from that of Perini and, thus, it would not be obvious to combine Wierschke with Perini or modify Wierschke in view of Perini in order to obtain the claimed devices. The leading and trailing rolls are taught in Wierschke to be retained by suction pads on a moving belt. The suction pads and the belt are arranged and controlled such that the position of

the belt portion devoid of suction pads is synchronized with the position of the trims. Since no support is provided underneath the belt (the rails 15a and 15b being removed when the trims are positioned thereover), the trims simply fall out through gap 16. The belt moves at the same speed as the rolls and the suction pads engage the rolls thus moving them from the entrance to the exit side of the machine. The machine of Wierschke could operate even without the rails 15a, 15b. The rails simply allow clear placement of the trims over gap 16 for removal. When rails are present, therefore, the rails must be pivoted out of a supporting position or else the trims will not be removed and the purpose of the machine is defeated. The pivotal rails, therefore cannot be replaced by fixed-in-place moving conveyor belts as taught by Perini.

Accordingly, Wierschke in combination with Perini does not render the claimed devices obvious within the meaning of 35 U.S.C. §103.

Wierschke and Perini are also applied in combination with Spencer to reject dependent claims 12, 20-23 and 44 under 35 U.S.C. §103(a). Spencer is relied on solely for the disclosure of the contact members or finger grippers described therein. Thus, Spencer does not make up

for the shortcomings of Wierschke and Perini as set forth above as to the base claims.

Spencer discloses a device for handling wound rolls with respect to diverter conveyors using grasping fingers to move a series of wound rolls into a plurality of separate streams. Each pair of fingers grasps an individual roll and moves the roll along a predetermined path. In applicants' claimed device, a pair of end jaws 29X (Figures 8 and 9) are separated by a set of simple resting contact members (Figures 8 and 11). This arrangement provides grasping of a leading product and a trailing product in a series of products and acceleration/deceleration thereof. The remaining resting contact members 29 do not grasp the remaining products of the series, but rather form a simple sliding surface. It is possible with such an arrangement to move the upper flexible member at a lower speed than the products allowing the products to slide along the resting members 29. This allows for the provision of a short flexible member (and therefore a short machine) which is capable of handling logs of variable lengths.

Accordingly, the combination of Wierschke, Perini and Spencer also does not render the claimed devices obvious within the meaning of 35 U.S.C. §103.



New claims 52, 53 and 54 have been added to further claim the device in combination with defined contact members. These claims are also patentable over the references applied as to the other claims for the same reasons as set forth above. Further, none of Wierschke, Perini or Spencer disclose or suggest (1) a combination of a series of contact members and a leading contact member which grips at least a first product of a series of products or (2) a trailing contact member to grip at least a last product of each series of products. While Spencer teaches gripping members, the members are arranged along the entire chain to grip each and every roll and are controlled differently and provide a different function than applicants' claimed device. Further, there is no teaching or suggestion in the applied references to grip a first and/or last product with a gripping member and support products therebetween without gripping action. Accordingly, none of Wierschke, Perini or Spencer, alone or in combination, teach or suggest applicants' device as claimed in new claims 52-54.

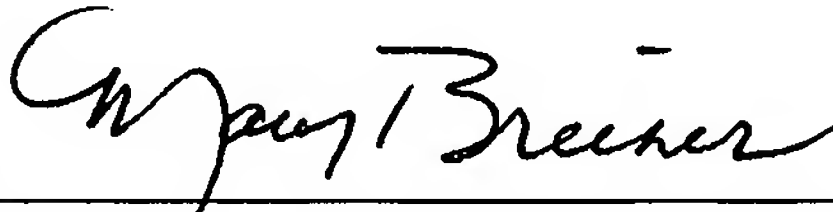
Accordingly, applicants request withdrawal of the 35 U.S.C. §102 and §103 rejections of the claims on the basis as set forth above.

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Reconsideration and allowance of the claims are  
respectfully urged.

Respectfully submitted,

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Attachment - Page 1610, Random House Dictionary (Second  
Edition)



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# THE RANDOM HOUSE DICTIONARY OF THE ENGLISH LANGUAGE

Second Edition

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